

REMARKS

Claims 16-37 are pending, prior to entry of this Amendment. By way of this Amendment, no claims have been amended, claims 38-44 have been newly added, and no claims have been canceled. Claims 32-37 have been indicated as withdrawn, subject to the pending restriction requirement. Support for the newly added claims may be found throughout the specification and specifically in examples 3, 4, and 50- 53. No new matter has been added.

Restriction Requirement

In the present action, the Examiner has required a restriction of the pending claims into one of three Groups:

- I. Claims 17, 22, 23-27, drawn to compounds of formula I wherein n-2 piperidiny1 compounds, classified in class 546, subclass various, pending on species election
- II. Claims 16, 18-21, 29-31 remaining compounds drawn to compounds of formula I wherein n-1, pyrrolidiny1 compounds, classified in class 548, subclass various, depending on species election.
- III. Claims 32-37, drawn to method of treating psychotic disorder, depression, mood disorder, anxiety or rheumatoid arthritis.

It is noted that the International Searching Authority examined claims substantially similar to the pending genus claims during the international phase of this national phase application and did not find any lack of unity (see Written Opinion and International Preliminary Report on Patentability for International Application PCT/EP2004/012772). Despite the inconsistent conclusions of the international and the national phase examining offices, Applicants choose to proceed without traverse and elect as follows:

Applicants hereby elect to prosecute the subject matter assigned to Group I as defined by the Examiner, *i.e.* claims 17, 22, and 23-28, with claims 16, 18-21, and 29-31 to be examined within the scope of the election. Applicants expressly reserve the right to pursue the subject matter of the non-elected claims that have been assigned to groups II and III in one or more divisional application(s).

In answer to the requirement to elect a single disclosed species, Applicants elect the species of example 3 of the specification.

Amendments to the Claims

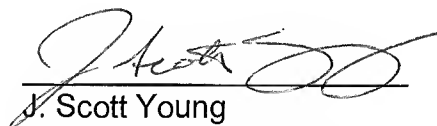
Amendments have been made to the claims as explained in the Remarks section above.

Conclusion

Applicants believe that no other fees are due in connection with the filing of this paper other than those specifically authorized herewith. If any additional fees for the accompanying response are required, Applicants request that this be considered a Petition therefore and authorize the Commissioner to charge additional fees to Deposit Account No. 07-1392.

Applicants believe the present claims are in condition for allowance and such action is respectfully requested. If the Examiner has any outstanding issues with the pending claims, he is encouraged to telephone the undersigned at (919) 483-8406 for expeditious handling.

Respectfully submitted,



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